IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY APPLICATION NO.1069 OF 2007
IN
COMPANY PETITION NO.998 OF 1999

In the matter of M/s.Kasturi Fine Food (India) Pvt. Ltd.

M/s.Gemini Advertising (P) Ltd. .. Petitioners.

Mr.S.N.Vimadalal i/b M/s.Vimadalal & Co.
for the applicant.

CORAM : D.B.BHOSALE, J.
DATED : 25TH OCTOBER, 2007.

P.C.:

. Heard learned counsel for the parties.

2. By this application the applicants have made the following prayers:

> "(a) That this Hon'ble Court be pleased to condone the delay of 797 days in filing the affidavit of service dated 12th August, 2005, proving Publication of advertisement of the Petition, as per order dated 21.7.2005 of this Hon'ble Court."
>
> (b) That the affidavit of petitioners dated 12th August, 2005 proving the said publication of advertisement be ordered to be taken on record of the proceedings."

3. It appears that vide order dated 21.7.2005, the petitioners were directed to take steps to file affidavit of publication within three weeks from the

date of the order failing which the matter was to be posted under the caption ‘dismissal’ on 12.8.2005. Similarly, the petitioner were also directed to pay costs quantified at Rs.1500/- to be paid to the High Court Legal Service Committee on or before 28.7.2005 failing which the matter was to be notified under caption ‘dismissal’ on 29.7.2005. I am informed that the matter was not notified either on 29.7.2005 or 12.8.2005 as per the directions and till this date there is no order of dismissal.

4. Learned counsel for the applicants submits that the affidavit of publication is ready and he is prepared to file it today and he has tendered the same in the court. It is taken on record. Similarly, he has stated that the costs as per the order dated 29.7.2005 has been paid. His statement is accepted. Keeping that in view and considering the reasons stated in the affidavit in support of the application, this application is made absolute in terms of prayer clause (a) and (b). Company application is disposed of.

(D.B.BHOSALE, J.)